

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 5:24-01353 MRA (ADS) Date: October 9, 2024

Title: Tayan Jackson v. J. Doerer

Present: The Honorable Autumn D. Spaeth, United States Magistrate Judge

<u>Kristee Hopkins</u>	<u>None Reported</u>
Deputy Clerk	Court Reporter / Recorder

Attorney(s) Present for Petitioner(s):	Attorney(s) Present for Respondent(s):
None Present	None Present

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE REGARDING
SANCTIONS**

Petitioner Tayan Jackson (“Petitioner”), a prisoner in the custody of the Federal Bureau of Prisons (“BOP”), filed a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 (the “Petition”) challenging, among other things, the BOP’s computation of earned time credits affecting his release and seeking a release date of November 11, 2024. (Dkt. No. 1.) Respondent filed a Motion to Dismiss (the “Motion”) the Petition on August 19, 2024. (Dkt. No. 19.) The Court held a Zoom hearing on the Motion on October 8, 2024. (Dkt. No. 31.) Respondent’s counsel appeared at the hearing. Petitioner was not present. The Court issued a minute order that same day. (Dkt. No. 32.) As explained more fully in that order, which the Court incorporates by reference here, Respondent’s counsel’s conduct in connection with this Motion warrants this Order to show cause why sanctions should not be imposed.

Respondent sought to dismiss the Petition based on false evidence, ignored filings raising the issue weeks after the BOP discovered it, failed to address the issue until ordered by the Court, and then failed to follow the Court’s order without explanation. Specifically, in support of the Motion, Respondent filed a declaration by Lorraine Garcia that, apparently, falsely testified under penalty of perjury that Petitioner’s release date is November 11, 2024. Respondent then ignored Petitioner’s requests—filed on the docket on September 13 and 25, 2024—explaining that the BOP’s website still reflected a January 25, 2025, release date, even though the Motion

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conceded a November 11 release date. (Dkt. Nos. 25, 26.) Respondent then failed to inform the Court of any error in the Motion until October 3, 2024, after the Court ordered Respondent to, among other things, explain why the Motion and the BOP's website do not align. In response, Respondent testified that, based in part on review of an exhibit "attached to the Declaration of Yolanda Sanchez," the BOP discovered on September 5, 2024, that Petitioner's release date had been miscalculated and was actually January 25, 2025. Finally, the Court ordered Respondent's counsel to coordinate with the BOP to arrange for Petitioner's appearance at the hearing on the Motion (Dkt. No. 27 at 2), but counsel failed to do so thereby depriving Petitioner of an opportunity to be heard.

The Court is deeply concerned. Accordingly, the Court **ORDERS** Respondent to show cause **by no later than October 31, 2024**, why Respondent should not be sanctioned. The Court further **ORDERS** that a Zoom hearing is set **November 6, 2024, at 10:00 a.m.** to address this issue.

IT IS SO ORDERED.

Initials of Clerk kh